

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4052 of 2021

1. Albinus Tirky S/o Late Shri S. L. Tirky, Aged About 56 Years, Accounts Officer (Suspended), R/o Village Niyandar, Tahsil Jagdalpur, District Jagdalpur (Bastar) (C.G.),
2. Helarius Kujur S/o Late Shri Lajrus Kujur, Aged About 55 Years, Accounts Officer (Suspended) R/o 132 KV Sub Station Colony, Geedam Road, Jagdalpur District (Bastar) (C.G.).

----Applicants

Versus

1. State Of Chhattisgarh, Through The Station House Officer, Police Station Bodhghat, District Bastar (C.G.).

---- Non-Applicant

For Applicants	:	Sr. Advocate Kishore Bhaduri with Mr. Pankaj Singh, Advocate and Mr. Goutam Khetrapal, Advocate.
For Non-Applicant/State:	:	Mr. Adil Minhaj, Govt. Advocate.

MCRC No. 4793 of 2021

1. Bhupal Singh S/o Late Surya Pratap Singh, Aged About 72 Years, R/o MIG II/191, Borsi Colony, Durg, (Police Station And District) (C.G.).

----Applicant

Versus

1. State Of Chhattisgarh, Through Station House Officer, Police Station Bodhghat, Jagdalpur, Bastar District (C.G.).

---- Non-Applicant

For Applicant	:	Sr. Advocate Mr. Govind Ram Miri with Mr. K.R. Nair, Advocate.
For Non-Applicant/State	:	Mr. Adil Minhaj, Govt. Advocate.

MCRC No. 4903 of 2021

1. Virendra Kumar Mahalaya S/o Ram Narayan Mahalaya, Aged About 64 Years, Retired Executive Engineer Of CSPDCL, Kawardha District, R/o. H.No.7, Shanti Enclave, Jeroulley Phase-II, World Bank Colony, Kanpur Nagar, Police Station Kanpur,

District U.P. State. Pin 208027.

----Applicant

Versus

1. State Of Chhattisgarh, Through Station House Officer, Police Station Bodhghat, Jagdalpur, Bastar District (C.G.).

---- Non-Appllcant

For Applicant	:	Sr. Advocate Mr. Govind Ram Miri with Mr. K.R. Nair, Advocate.
For Non-Appllcant/State	:	Mr. Adil Minhaj, Govt. Advocate.

Hon'ble Shri Justice Gautam Chourdiya
Order On Board

13/08/2021

- 1) The matter is heard through Video Conferencing.
- 2) Since all these First Bail Applications arise out of the same crime number, they are being disposed of by this common order.
- 3) Applicants have filed these First Bail Application under Section 439 of Code of Criminal Procedure, 1973 for grant of bail as applicant Albinus Tirky & Helarius Kujur are in jail since 08/06/2021, applicant Bhupal Singh in jail since 23/03/2021 and applicant Virendra Kumar Mahalaya is in jail since 28/03/2021 in connection with Crime No. 360/2014, registered at Police Station Bodhghat, Jagdalpur, Bastar District (C.G.) for the offence under Section 467, 468, 471, 472, 477, 420, 409, 119, 182, 211 & 120-B/34 of Indian Penal Code and Section 66(B)(C)(D) of the Information Technology Act, 2000.
- 4) Case of the prosecution, in brief, is that applicant herein in connivance with other co-accused persons had stolen ID Password of Chhattisgarh State Power Distribution Company Limited (CSPDCL), generated forged work order, submitted forged bills before the Regional Accounts Officer, Jagdalpur and withdrew **Rs. 1,38,86,538/-**. When the alleged forgery and theft was detected by the Electricity Department, the Department has taken action and lodged report to the concerned police station. During

the course of investigation, as many as 09 persons have been arrayed as accused in instant crime, out of which, 3 are officers of the Electricity Department and 6 are Contractors in whose name the Contract Agreement has been shown and amount has been deposited in their Bank accounts.

- 5) Learned Counsel for the applicants submit that the applicants are innocent persons and have been falsely implicated in this case by the complainant. It is submitted that similarly situated co-accused persons namely Ashok Kumar Swarnkar (**Executive Engineer**) & Raghavendra Jaiswal have been granted anticipatory bail by the Co-ordinate Bench of this Court vide orders dated 25/09/2020 & 28/07/2021 passed in MCRCA No. 647/2020 & MCRCA No. 168/2021 respectively whereas co-accused Sunit Kasde, Pintu @ Pretam Thakur and Narayan Singh Bhist (**Executive Engineer**) have been granted regular bail by the Co-ordinate Bench of this Court vide orders dated 09/02/2018, 27/09/2019 & 24/05/2021 passed in MCRC No.7356/2017, MCRC No. 6042/2019 & MCRC No. 8194/2020 respectively. It is submitted that the applicants are in jail since 08/06/2021, 23/03/2021 and 28/03/2021 respectively, charge sheet has been filed, nothing is required to be seized from the applicants and due to COVID-19 Pandemic conclusion of trial is likely to take some time for its disposal. Therefore, the applicants deserve to be released on bail on any conditions which may be deemed fit by this Court.
- 6) On the other hand, learned Counsel for the State opposes the bail applications.
- 7) I have heard learned Counsel for the parties.
- 8) Considering the facts and circumstances of the case, that near about **Rs. 1,38,86,538/-** was withdrawn on the basis of forged bills without verification, half of the said amount has been recovered from the accused Contractors who were benefited by the said forgery, there are as many as 07 accused Contractors, the detention period of the applicants who are 56, 55, 72 & 64 years

old respectively, the age of the applicant Albinus Tirky is shown as 56 years in the year 2014 and as such both (Albinus Tirky and Helarius Kujur) must have retired from services by now, co-accused Ashok Kumar Swarnkar (**Executive Engineer**) & Raghavendra Jaiswal have been granted anticipatory bail by the Co-ordinate Bench of this Court **and** co-accused Sunit Kasde, Pintu @ Pretam Thakur and Narayan Singh Bhist (**Executive Engineer**) have been granted regular bail by the Co-ordinate Bench of this Court, charge sheet has already been filed, the offence was committed in the year 2013-14, as per the Counsel for the applicants recovery of the remaining amount is still on, the fact that there is no apprehension of the applicants tampering with the evidence or absconding as admitted by Counsel for the parties and that conclusion of trial may take some time due to COVID-19 Pandemic, the applications are **allowed**. It is directed that in the event of **each** of the applicants executing a personal **bond** for a sum of **Rs. 2,00,000/-** with two sureties of Rs. 1,00,000/- each to the satisfaction of the concerned Trial Court, they shall be released on bail on the following conditions:-

- i. they shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court,
- ii. they shall not act in any manner which will be prejudicial to fair and expeditious trial,
- iii. they shall appear before the Trial Court on each and every date given to them by the said Court till disposal of the Trial,
- iv. they shall strictly follow the COVID-19 protocol issued by the Central Govt./State Govt./Local Authority,
- v. they shall not involve themselves in any offence of similar nature in future.

Let a copy of this order be forwarded to the concerned Police Station forthwith who shall inform the trial Court in the event of applicants involving themselves in similar offence in future.

**-Sd/-
(Gautam Chourdiya)
Judge**

Chandrakant